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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,930	02/20/2004	Spartak Gevorgian	4127-13	9695
23117	7590	09/08/2005		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER LEE, BENNY T	
			ART UNIT 2817	PAPER NUMBER

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8P

Office Action Summary	Application No.	Applicant(s)	
	10/781,930	GEVORGIAN ET AL.	
	Examiner Benny Lee	Art Unit 2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 June & 25 July 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-3, 13, 14, 17, 28; 21, 30, 22; 24, 25, 27 is/are allowed.
- 6) Claim(s) 4-12, 15, 16, 18-20, 29; 31; 23; 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

The disclosure is objected to because of the following informalities: In the replacement paragraph to page 1, line 19, fourth line therein, note that “e,g,” should be rewritten as --for example--; 27th line therein, note that a --,-- should be inserted after “attention” & “example”, respectively. In the replacement paragraph to page 2, line 26, and in the replacement paragraph to page 16, line 1, 7th line therein, note that --corresponding-- should precede each occurrence of “US” for clarity of description. In the replacement paragraph to page 3, line 1, fifth line therein, note that “-A-“ should be deleted as being inappropriate. Page 5, lines 28, 29, note that it is unclear what characterizes “materials with similar properties”. Clarification is needed. Page 10, line 33, note that --13-- should precede “B” for clarity of description. In the replacement paragraph to page 11, line 5, fourth line from the end, note that “3.10⁸” should be rewritten as --3x10⁸--. In the replacement paragraph to page 12, line 21, fifth & 19th lines therein, note that --respectively-- should precede “provided” (l. 5) & follow “mode” (l. 19), respectively for clarity of description. Page 14, line 5, note that a --,-- should follow “4” for grammatical correctness; line 8, note that “which” should be rephrased for clarity of description. In the replacement paragraph to page 15, line 1, 16th line therein, note that “for” should be deleted as being unnecessary. In the replacement paragraph to page 16, line 1, 11th line therein, note that “on” should correctly be --of--. In the replacement paragraph to page 17, line 1, note that it remains unclear whether reference to “resistance” is a correct characterization for a “resonator 1”? Normally an impedance of a resonant structure is defined by an --inductive reactance-- and a --capacitive reactance--. Clarification is needed. In the replacement paragraph to page 18, line 11, note that “the real and imaginary parts” needs to be clearly identified in the graphs of figs. 7A, 7B, 7C, as to which is the “real” and the “imaginary” parts. Clarification is needed. Page 19, line

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31, note that --factor-- should follow "quality" for clarity of description. Page 21, line 14, note that "cf" is vague in meaning; lines 14, 21, note that "is supposed that" & "may e.g. be supposed" should be rephrased for clarity of description. In the replacement paragraph to page 21, line 31, note that reference to "resistance" for the "first and second resonators" remains vague in meaning and still needs clarification. Also, see above objection. Appropriate correction is required.

The disclosure is objected to because of the following informalities: Note that in general all reference labels appearing in the drawing figures should be correspondingly described in the specification, especially those reference labels unique to a particular drawing figure.

Appropriate correction is required.

The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by a statement executed by the applicant, or a practitioner representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

The attempt to incorporate subject matter into this application by reference to the IEEE publication at p. 13, ls 9-11 is improper because it is unclear whether the respective citations is being used to incorporate by reference material essential to the understanding of the invention. Note that incorporation by reference to essential material can only be made with respect to U.S. patents.

It should be noted that since the incorporation by reference occurs in the detail description of the invention, the examiner has assumed that such incorporated subject matter constitutes material “essential” to the understanding of the invention, which requires any incorporation by reference to be made with respect to a US patent. However, if it is applicants’ contention that the incorporated subject matter is not “essential” to the understanding of the invention, then an appropriate explanation is required, including a clear indication in the specification that the incorporated subject matter is deemed to be --non-essential-- subject matter.

Claims 4-12, 15, 16, 18-20, 29, 18-20; 23, 31; 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, with regard to the “first resonator” recited therein, note that the recitation that an “applied biasing voltage” being applied to the “first resonator” appears contradictory to the limitation recited in independent claim 1 (from which this claim depends) where the “biasing voltage” is “applied” to (only) the “second resonator”. Clarification is needed.

In claim 6, note that use of the term “preferably” renders the scope of these claims a vague and indefinite. That is to say it would have been unclear whether the limitations following “preferably” would have been considered positive limitations in the claim.

In claim 7, lines 4, 5, should --also-- follow each occurrence of “electrode” for a proper characterization?

In claims 9, 10, 11, note that it is unclear which “electrodes” (e.g. first and second, etc) are intended by the recitation of “the electrodes”. Clarification is needed.

In claim 12, note that use of parenthetical terms renders the scope of the claims vague and indefinite as to whether the parenthetical limitations would have been construed as further positive limitations.

In claim 15, lines 4, 5, note that “the transfer of electromagnetic energy” lacks strict antecedent basis.

In claim 16, should --respective-- follow “comprise” for a proper characterization?

In claims 18, 19, 20, note that the recitation of “each resonator (apparatus)” does not appear consistent with the claim 1 recitation (from which these claims depend) of a single “resonator”. Clarification is needed.

In claims 23, 26, note that it is unclear which ones of the “electrode plates” is intended by the recitation of “the electrode plates” (e.g. all of them, some of them, etc). Clarification is needed.

In claim 29, 31, note that it is unclear in what manner the “one” resonator acts to “contribute as a reactance”. Clarification is needed.

The following claims have been found objectionable for reasons set forth below:

In claim 14, note that “transfer” should be rewritten as --redistribution-- for consistency with the recitation in claim 13, from which this claim directly depends.

In claim 22, line 2, note that --respective-- should precede “parallel” for an appropriate characterization; line 4, note that --plate-- should follow “electrode” for consistency of description.

In claims 23, 26, lines 2, 4 of each claim, note that “substratecomprised” should be separated.

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In claim 24, line 7, note that “become coupled, allowing transfer” should be rephrased as --becomes a coupled resonator apparatus, thereby allowing-- for a proper characterization.

In claim 27, line 5, “voltageis” should be separated.

Claims 1-3, 13, 14, 17, 28; 21, 22, 30; 24, 25, 27 are allowable over the prior art since none of the prior art discloses that the first and second resonators “work as a single resonator” as recited in independent claims 1 & 21.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number (571) 272-1764.

Lee


BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817